

03560.002825.



2615
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: N. Tran
SHINGO NOZAWA)	
	:	Group Art Unit: 2615
Application No.: 09/874,253)	
	:	
Filed: June 6, 2001)	
	:	
For: IMAGING APPARATUS)	August 18, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT
WITH TRAVERSE

Sir:

In response to the election requirement set forth in the Office Action dated July 25, 2005, Applicant provisionally elects Species I, Sub-species A, allegedly corresponding to Figures 3 to 5 and 8. Applicant submits that Claims 1 to 7, 14 to 17, 19 to 25, 27, 29 to 31, 33 and 34 correspond to the alleged species and sub-species. This election is made with traverse.

An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

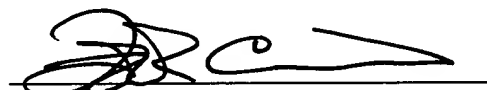
"The term 'distinct' means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art)." MPEP § 802.01. In this regard, Applicant respectfully submits that the claims of Species I, II, III, IV and V (Figures 1, 9, 11, 12 and 13, respectively) are all generally directed to the field of art concerning image processing through enlargement or reduction. Accordingly, two-way distinctness is not seen to be present among the claims of Species I to V. MPEP § 806.05(c).

Even if Species I, II, III, IV and V are considered to be independent or distinct inventions, which Applicant does not admit to be the case, the search and examination of all pending claims of Species I, II, III, IV and V can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Species I, II, III, IV and V are all directed to the field of art concerning image processing through enlargement or reduction. Accordingly, Applicant respectfully submits that concurrent search and examination of all claims of Species I, II, III, IV and V can be made without serious burden.

Based on the foregoing remarks, Applicant respectfully submits that the restriction requirement is improper and therefore requests reconsideration and withdrawal of the election requirement, and the concurrent examination of all currently-pending claims of Species I, II, III, IV and V.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank L. Cire', is written over a horizontal line.

Frank L. Cire
Attorney for Applicant
Registration No. 42,419

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 100399v1